

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO (COLUMBUS)

IN RE:

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\* Case No. 16-52914

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CARITA LESEAN INGRAM

\* August 11, 2016

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TRANSCRIPT OF TELEPHONIC STATUS CONFERENCE  
BEFORE THE HONORABLE JOHN E. HOFFMAN, JR.  
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES:

RAYMOND L. EICHENBERGER, III, ESQ.  
For the Creditor, Milford Ave. Properties LLC

Transcribed by:

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1 THE COURT: Good afternoon.

2 MR. EICHENBERGER: Hello.

3 THE COURT: Is this Mr. Eichenberger?

4 MR. EICHENBERGER: Yes. Ray Eichenberger,  
5 Judge, I'm sorry.

6 THE COURT: This is Judge Hoffman and my law  
7 clerks Laura Attack and Brian Gifford are in the  
8 courtroom as well. This is a telephonic status  
9 conference in the Ingram bankruptcy case, which is Case  
10 Number 16-52914.

11 The reason we convened this -- well, we have  
12 several reasons for convening this, Mr. Eichenberger.  
13 But the first is, the Court was very troubled by the  
14 tenor of your communications with my law clerk, Ms.  
15 Attack, about the proposed order that you uploaded.

16 MR. EICHENBERGER: Right.

17 THE COURT: In the first place, you expressed  
18 some consternation about the fact that this is taking  
19 so long. Well, the first two versions of the order  
20 that were submitted were returned to you by our clerk's  
21 office because they weren't in proper format. By the  
22 time they were finally submitted in proper format and  
23 arrived at my chambers, we noted some issues with the  
24 language of the order.

25 MR. EICHENBERGER: Okay.

1 THE COURT: And so one of the issues that we  
2 noted, actually, the order was very unclear in terms of  
3 whether your client would have the right to seek unpaid  
4 prepetition and postpetition rent or just unpaid  
5 postpetition rent. Obviously, if your client proceeded  
6 in state court with an action to recover prepetition  
7 rent, then that would arguably violate the discharge  
8 injunction and subject your client to potential  
9 damages.

10 MR. EICHENBERGER: Right.

11 THE COURT: And so one of the reasons we were  
12 attempting to reach out to you and discuss the terms  
13 and conditions and the language of this proposed order  
14 was really to protect you and your client. So I was --

15 MR. EICHENBERGER: Right. First, Judge, I am  
16 sure that I am not as familiar with your procedures as  
17 I should be. And I certainly do apologize for that.  
18 And I really didn't mean to have a rude or abrasive  
19 tenor when I was communicating with you. So some of  
20 that is certainly my fault that I'm not as familiar  
21 with your procedures as I should be.

22 THE COURT: All right. Well, in any event,  
23 when I get a correspondence or a communication from  
24 counsel to our chambers---and I view my law clerks as  
25 an extension of myself, so when you're communicating

1 with them in that fashion, you're communicating with me  
2 in that fashion---but --

3 MR. EICHENBERGER: Right. And my other  
4 problem I would say, Judge, is I have a client who is  
5 very upset with how expensive this has gotten. And I'm  
6 certainly trying to expedite it for my client so that  
7 we can get through this.

8 THE COURT: All right. Well, as I started to  
9 say, Mr. Eichenberger, when I get a communication of  
10 this tenor, one of the first things I typically do is I  
11 look at the Ohio Supreme Court website to see if the  
12 attorney I'm dealing with has had any difficulties in  
13 the past. And one of the things that then, of course,  
14 immediately leapt to our attention when we looked at  
15 the Ohio website is you were suspended from practice by  
16 the Supreme Court on June 14. Correct?

17 MR. EICHENBERGER: I have not received notice  
18 of that, Judge.

19 THE COURT: You have not received notice of  
20 that?

21 MR. EICHENBERGER: No. And I was not --  
22 certainly I was not aware of that when I was before you  
23 on the 5th and I drafted these -- this court entries --  
24 court entry -- excuse me -- shortly thereafter.

25 THE COURT: Well, so, when did you receive

1 notice of it?

2 MR. EICHENBERGER: I have not yet.

3 THE COURT: You have not received notice that  
4 you've been suspended from practice by order dated June  
5 14, 2016?

6 MR. EICHENBERGER: No, I have not. They have  
7 never served it on me, Judge.

8 THE COURT: Okay. Well, let me just say, I  
9 find that very difficult to believe. Are you telling  
10 me -- did you receive Judge Sargus's order dated July  
11 28?

12 MR. EICHENBERGER: I am not sure of that. I  
13 don't have anything that is pending in his court at  
14 all.

15 THE COURT: Well, it doesn't matter. It  
16 wasn't a matter pending in his court. He has an order  
17 captioned in the matter of Raymond Leland Eichenberger,  
18 III. And that order was dated July 28, 2016.

19 MR. EICHENBERGER: Okay. I was out of the  
20 country for three weeks here last month, Judge. And I  
21 was on one other trip. And I have not been in my  
22 office all that much.

23 THE COURT: When were you out of the country?

24 MR. EICHENBERGER: When was I?

25 THE COURT: Yeah. From when to when?

1 MR. EICHENBERGER: It was -- it was from the  
2 weekend of -- I believe it would have been the 9th  
3 through the 22nd, 22. I was in the Holy Land on a  
4 tour.

5 THE COURT: From the 9th of July through the  
6 22nd of July?

7 MR. EICHENBERGER: Yes.

8 THE COURT: But you were uploading orders to  
9 us during that time frame, were you not? No?

10 MR. EICHENBERGER: I have that access on my  
11 computer. Yes, Judge.

12 THE COURT: All right. Well, just one  
13 second. Okay. Well, Mr. Eichenberger, I'm not sure,  
14 to be quite frank, that I believe that you weren't  
15 notified, that you had no notice of your suspension at  
16 the time you appeared before the Court. And certainly  
17 you've been communicating with us still trying to get  
18 this order entered.

19 So I will tell you what I've done. I have  
20 contacted the Supreme Court Disciplinary Counsel and  
21 let him know what has transpired here. And we're going  
22 to order a transcript of today's hearing. And we're  
23 also going to put an order on requiring your client to  
24 obtain substitute counsel. And we're also going to put  
25 an order on reflecting that, in light of your

1 suspension by the Ohio Supreme Court and the District  
2 Court, that we are going to be terminating your CM/ECF  
3 privileges as a filer during such time period as you  
4 are suspended. And so I'll let the disciplinary  
5 authorities determine whether they find your story  
6 believable that you weren't served with it.

7 So are you telling me today that you're  
8 finding out from me for the first time that you were  
9 suspended from practice? This is the first notice  
10 you've received?

11 MR. EICHENBERGER: No. I was saying that  
12 when I appeared before you on the 5th and up until that  
13 time, until now, I have not received service of any  
14 order from them.

15 THE COURT: When did you receive notice?

16 MR. EICHENBERGER: I have received no notice  
17 from the Ohio Supreme Court. That's what I'm saying.

18 THE COURT: So you are saying -- I'm saying  
19 when did you receive notice of your suspension from any  
20 source, be it the Ohio Supreme Court, be it Judge  
21 Sargus --

22 MR. EICHENBERGER: Oh, gosh. Probably when I  
23 returned from my trip. But I can't be certain of that.  
24 I don't recall.

25 THE COURT: And how did you receive notice?

1 MR. EICHENBERGER: I don't recall, Judge. I  
2 haven't been in my office more than a week or two since  
3 I left on my vacation trip to leave the country.

4 THE COURT: Have you seen the Supreme Court's  
5 order?

6 MR. EICHENBERGER: No, I have not.

7 THE COURT: Okay. All right. Well, I told  
8 you what we're going to do. Did you notify your client  
9 in this case that you were suspended from practice?

10 MR. EICHENBERGER: No, I have not.

11 THE COURT: All right. Well, what we're  
12 going to do, like I said, is order a transcript from  
13 today's proceeding. We're going to put an order on  
14 requiring your client to obtain substitute counsel.  
15 We're going to terminate your CM/ECF privileges until  
16 such time as you've been reinstated. And again, I  
17 wanted to just let you know how displeased I am with  
18 the tenor of your communications with my chambers.

19 MR. EICHENBERGER: Okay. Sorry, Judge.

20 THE COURT: All right. Thank you.

21 MR. EICHENBERGER: Bye.

22 (End of Telephonic Status Conference)

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1 State of Ohio )

2 Cuyahoga County )

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6 CERTIFICATE

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9 I, Marc Eppler, a Notary Public, within and for the  
10 State of Ohio, do hereby certify that the above  
11 transcript is a true and accurate record of the  
12 telephonic status conference held before the HONORABLE  
13 JOHN E. HOFFMAN, JR. This record was prepared from an  
14 audio recording provided by the Court.

15 IN WITNESS WHEREOF, I have hereunto set my hand and  
16 seal of office in Cleveland, Ohio on this 22nd day of  
17 SEPTEMBER, A.D., 2016.

18

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20

DocuSigned by:  
MARC EPPLER  
0A765620E083472...

21

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MARC EPPLER  
Notary Public - State of Ohio  
my commission expires 9-14-2018

22

23

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